

REMARKS

The Applicant does not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention.

Therefore, the Applicant, respectfully, requests that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated August 13, 2004 has been received and considered by the Applicants. Claims 1-10 are pending in the present application for invention. Claims 1-10 are rejected by the August 13, 2004 Office Action.

The drawings are objected to because in Figs. 7-12 there is no text to describe the numbered elements. Redlined drawings are submitted with this response that correct the text describing the numbered elements mentioned by the Examiner in the Office Action.

The Office Action rejects Claims 1-10 under the provisions of 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,393,574 issued to Kashiwagi et al. (hereinafter referred to as Kashiwagi et al.).

The Examiner making the rejection regarding Claims 1, 5-6, and 10, states, that Kashiwagi et al. disclose all the elements of the rejected claims. Specifically, the Examiner states that Kashiwagi et al. show a method of recording an encoded bit stream which is part of a MPEG2 stream, on a disc in Fig. 2, col. 2, lines.17-18, and col. 10, lines 20-29. The Examiner further states that Kashiwagi et al. disclose the recording of a collection of video objects in a video object storage area of a disc in Fig. 6B, col. 61, lines 51-57. The Examiner further states that Kashiwagi et al. disclose recording management information in a management information area of the disc is shown in Fig. 22.

The Applicant, respectfully, points out that the rejected claims define subject matter for defining a playable title as a playback sequence of cells of a recording in the order of allocation within the video object storage area on the disc, and generating a title list of titles sorted in the order of arrangement within the video object area on the disc. The Examiner states that Kashiwagi et al. disclose this subject matter and that playable titles are shown by Kashiwagi et al. as a playback sequence of all completed cells or a subset of completed cells of a recording, which is shown in Fig. 16, and described on Col.

20, lines 31-39. The Examiner further states that Kashiwagi et al. in Fig. 16 also discusses the generation of a title list and menu. The rejected claims to the present invention define "a playback sequence in the order of allocation within the video object storage area on the disc, and generating a title list of titles sorted in the order of arrangement within the video object area on the disc." The Applicant, respectfully, points out that the rejection contained in the Office Action does not assert that Kashiwagi et al. disclose or suggest a playback sequence in the order of allocation within the video object storage area on the disc. The Applicant further points out that the rejection contained in the Office Action does not assert that Kashiwagi et al. disclose or suggest generating a title list of titles sorted in the order of arrangement within the video object area on the disc. The Applicant has reviewed the teachings of Kashiwagi et al. and there is no disclosure or suggestion for a playback sequence and a title list sorted in the order or arrangement within the video object area. Therefore, there exist recited claimed features within the rejected claims that are not found within Kashiwagi et al.

The Applicant would like to draw the Examiner's attention to the MPEP at §2131 wherein the courts opinion in *Verdegaul Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) is quoted as stating that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." The Applicant, respectfully, assert that the rejection contained in the August 13, 2004 Office Action does not set forth each and every element within the rejected claims, because simply put, the rejected claims require a playback sequence and a title list sorted in the order or arrangement within the video object area. The MPEP at §2131 further quotes the courts opinion in *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) in stating that the "identical invention must be shown in as complete detail as is contained in the ... claim." The Applicant asserts, as previously stated that the rejection contained in the Office Action does not address all the features of the rejected claims. The MPEP at §2131 further quotes the courts opinion in *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990) stating that the "elements must be arranged as required by the claim, but this is not an *ipse dixit* test, i.e., identity of terminology is not required." The Applicant are not requesting that the Examiner apply a litmus test to the terminology employed, the Applicants simply request that the examiner arrange the elements as required by the rejected

claims as required by the MPEP and case law. This has not been done by the rejection contained in the Office Action. Therefore, this rejection is respectfully traversed.

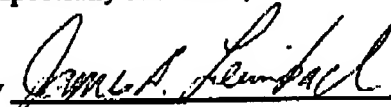
The Examiner making the rejection of Claims 2-4 and 7-9, states that the discussion within Kashiwagi et al. relating to the parental block function that allows titles of certain scenes to be omitted from the playback sequence titles discuss free space titles as titles which omit certain content, which would make them titles with free space which also deals with Claims 4 and 9 where a deleted title is converted to a deleted title, in addition to the blocking of free space titles as in the case of a parental block at col. 19, lines 5-25. The Applicant, respectfully, points out that these claims depend from, either directly or indirectly, Claim 1 and 6, and further narrow and define those claims. Therefore, since Claims 1 and 6 are believed to be allowable for the aforementioned reasons, Claims 2-4 and 7-9 are also believed to be allowable.

The foregoing amendment to the claims has added new Claims 11-20 that are of similar scope to Claim 1-10. Therefore, examination of new Claim 11-20 will not result in the introduction of new matter into the present application for invention.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

James D. Leimbach
Patent Attorney, Reg. No. 34,374

**Please address all correspondence
for this case to:**


Michael E. Belk
Senior Intellectual Property Counsel
Philips Intellectual Property & Standards
Philips Electronics N.A. Corp.
P.O. Box 3001
Briarcliff Manor, NY 10510-8001 USA
914-333-9643

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence
is being transmitted on this date via
facsimile transmission to (703) 872-9306 AND addressed to:
Mail Stop: Amendment
COMMISSIONER OF PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

on: December 13, 2004

(Mailing Date)

Signature: 
Person Signing: James D. Leimbach